LOCAL RULES PART II - CIVIL PRACTICE

LR 3-1. CIVIL COVER SHEET.

Except in actions initiated by inmates appearing in *pro se*, every civil action tendered for filing in this Court shall be accompanied by a properly completed civil cover sheet.

LR 4-1. SERVICE AND ISSUANCE OF PROCESS.

(a) The United States Marshal is authorized to serve summons and civil process on behalf of the United States.

(b) In those cases where service of process is authorized and sought pursuant to state and/or international procedure, counsel for the party seeking such service shall furnish the Clerk with all forms and papers needed to comply with the requirements of such practice.

LR 5-1. PROOF OF SERVICE.

(a) All papers required or permitted to be served shall have attached, when presented for filing, a written proof of service. The proof shall show the day and manner of service and the name of the person served. Proof of service may be by written acknowledgment of service or certificate of the person who made service.

(b) The Court may refuse to take action on any paper until a proof of service is filed. Either on its own initiative or on a motion by a party, the Court may strike the unserved paper or vacate any decision made on the unserved paper.

(c) Failure to make the proof of service required by this Rule does not affect the validity of the service. Unless material prejudice would result, the Court may at any time allow the proof of service to be amended or supplied.

LR 5-2. FACSIMILE FILING.

Papers may be filed with the Clerk by means of telephone facsimile machine ("fax") only in cases involving the death penalty as hereinafter provided:

(a) Documents that relate to stays of execution in death penalty cases may be transmitted directly to the fax machines in the Clerk's offices in Reno or Las Vegas for filing by the Clerk when counsel considers this will serve the interests of their clients.

(b) Counsel must notify the Clerk before transmitting any document by fax. On receiving the transmitted document, the Clerk shall make the number of copies required and file the photocopies. Any document transmitted directly to the Court by fax must show service on all other parties by fax or hand delivery.

(c) When a document has been transmitted by fax and filed pursuant to this Rule, counsel must file the original document and accompanying proof of service with the Clerk within seven (7) days of the date of the fax transmission.

LR 5-3. FILING OF DOCUMENTS BY ELECTRONIC MEANS.

Documents may be filed and signed by electronic means to the extent and in the manner authorized by Special Order of the Court. A document filed by electronic means in compliance with this Local Rule constitutes a written document for the purposes of applying these Local Rules and the Federal Rules of Civil Procedure.

LR 5-4. SERVICE OF DOCUMENTS BY ELECTRONIC MEANS.

Documents may be served by electronic means to the extent and in the manner authorized by further Special Order of the Court. Transmission of the Notice of Electronic Filing (NEF) constitutes service of the filed document upon each party in the case who is registered as an electronic case filing user with the Clerk. Any other party or parties shall be served documents according to these Local Rules and the Federal Rules of Civil Procedure.

LR 6-1. REQUESTS FOR CONTINUANCE, EXTENSION OF TIME OR ORDER SHORTENING TIME.

(a) Every motion requesting a continuance, extension of time, or order shortening time shall be "Filed" by the Clerk and processed as an expedited matter. *Ex parte* motions and stipulations shall be governed by LR 6-2.

(b) Every motion or stipulation to extend time shall inform the Court of any previous extensions granted and state the reasons for the extension requested. A request made after the expiration of the specified period shall not be granted unless the moving party, attorney, or other person demonstrates that the failure to act was the result of excusable neglect. Immediately below the title of such motion or stipulation there shall also be included a statement indicating whether it is the first, second, third, etc., requested extension, i.e.:

STIPULATION FOR EXTENSION OF TIME TO FILE MOTIONS
(**First Request**)

(c) The Court may set aside any extension obtained in contravention of this Rule.

(d) A stipulation or motion seeking to extend the time to file an opposition or final reply to a motion, or to extend the time fixed for hearing a motion, must state in its opening paragraph the filing date of the motion.

LR 6-2. REQUIRED FORM OF ORDER FOR STIPULATIONS AND *EX PARTE* AND UNOPPOSED MOTIONS.

(a) Any stipulations, *ex parte* or unopposed motions requesting a continuance, extension of time, or order shortening time, and any other stipulation requiring an order shall not initially be "Filed" by the Clerk, but shall be marked "Received." Every such stipulation

or *ex parte* or unopposed motion shall include an "Order" in the form of a signature block on which the Court or Clerk can endorse approval of the relief sought. This signature block shall not be on a separate page, but shall appear approximately one inch (1") below the last typewritten matter on the right-hand side of the last page of the stipulation or *ex parte* or unopposed motion, and shall read as follows:

"IT IS SO ORDERED:

[UNITED STATES DISTRICT JUDGE,
UNITED STATES MAGISTRATE JUDGE,
UNITED STATES DISTRICT COURT CLERK]

(whichever is appropriate)

DATED: _____"

(b) Upon approval, amendment or denial, the stipulation or *ex parte* or unopposed motion shall be filed and processed by the Clerk in such manner as may be necessary.

LR 7-1. STIPULATIONS.

(a) Stipulations relating to proceedings before the Court, except stipulations made in open Court that are noted in the Clerk's minutes or the court reporter's notes, shall be in writing, signed by the parties or counsel for the parties to be bound, and served on all parties who have appeared.

(b) No stipulations relating to proceedings before the Court except those set forth in Fed. R. Civ. P. 29 shall be effective until approved by the Court. Any stipulation that would interfere with any time set for completion of discovery, for hearing of a motion, or for trial, may be made only with the approval of the Court.

(c) A dispositive stipulation, which has been signed by fewer than all the parties or their counsel, shall be treated as a motion.

(d) The Clerk has authority to approve the stipulations described in LR 77-1.

LR 7.1-1. CERTIFICATE AS TO INTERESTED PARTIES.

(a) Unless otherwise ordered, in all cases except *habeas corpus* cases, counsel for private non-governmental) parties shall identify in the disclosure statement required by Fed. R. Civ. P. 7.1 all persons, associations of persons, firms, partnerships or corporations including parent corporations) which have a direct, pecuniary interest in the outcome of the case.

The Disclosure statement shall include the following certification:

"The undersigned, counsel of record for ____, certifies that the following have an interest in the outcome of this case: (here list the names of all such parties and

identify their connection and interests.) These representations are made to enable judges of the Court to evaluate possible disqualifications or recusal.

Signature, Attorney of Record for ____."

(b) If there are no known interested parties other than those participating in the case, a statement to that effect will satisfy this Rule.

(c) A party must promptly file a supplemental certification upon any change in the information that this Rule requires.

LR 7-2. MOTIONS.

(a) All motions, unless made during a hearing or trial, shall be in writing and served on all other parties who have appeared. The motion shall be supported by a memorandum of points and authorities.

(b) Unless otherwise ordered by the Court, points and authorities in response shall be filed and served by an opposing party fourteen (14) days after service of the motion.

(c) Unless otherwise ordered by the Court, reply points and authorities shall be filed and served by the moving party seven (7) days after service of the response.

(d) The failure of a moving party to file points and authorities in support of the motion shall constitute a consent to the denial of the motion. The failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion.

(e) The time for filing of a motion of summary judgment shall be governed by Federal Rules of Civil Procedure 56(b). A party opposing the motion must file a response within twenty-one (21) days after the motion is served or a responsive pleading is due, whichever is later. The movant may file a reply within fourteen (14) days after the response is served.

(f) Any proposed order prepared by counsel at the Court's request shall be served on all parties who have appeared in the action prior to submitting the proposed order to the Court.

LR 7-2.1 NOTICING THE COURT ON RELATED CASES.

Counsel who has reason to believe that an action on file or about to be filed is related to another action on file (whether active or terminated) shall file in each action and serve on all parties in each action a notice of related cases. This notice shall set forth the title and number of each possibly related action, together with a brief statement of their relationship and the reasons why assignment to a single district judge and/or magistrate judge is desirable.

An action may be considered to be related to another action when:

(a) Both actions involve the same parties and are based on the same or similar claim;

(b) Both actions involved the same property, transaction or event;

(c) Both actions involve similar questions of fact and the same question of law and their assignment to the same district judge and/or magistrate judge is likely to effect a substantial savings of judicial effort, either because the same result should follow in both actions or otherwise; or,

(d) For any other reason, it would entail substantial duplication of labor if the actions were heard by different district judges or magistrate judges. The assigned judges will make a determination regarding the consolidation of the actions.

LR 7-3. CITATIONS OF AUTHORITY.

(a) References to an act of Congress shall include the United States Code citation, if available. When a federal regulation is cited, the Code of Federal Regulations' title, section, page and year shall be given.

(b) When a Supreme Court decision is cited, the citation to the United States Reports shall be given. When a decision of a court of appeals, a district court, or other federal court has been reported in the Federal Reporter System, that citation shall be given. When a decision of a state appellate court has been reported in the West's National Reporter System, that citation shall be given. All citations shall include the specific page(s) upon which the pertinent language appears.

(c) Electronically filed documents may contain hyperlinks to other portions of the same document and to a location on the Internet that contains a source document for a citation.

(1) Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document. The submitting party is responsible for the availability and functionality of any hyperlink.

(2) Neither a hyperlink nor any site to which it refers, shall be considered part of the official record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document. If a party wishes to make any hyperlinked material part of the record, the party must attach the material as an exhibit.

(3) The Court neither endorses nor accepts responsibility for any product, organization or content at any hyperlinked site, or at any site to which that site may be linked.

LR 7-4. LIMITATION ON LENGTH OF BRIEFS AND POINTS AND AUTHORITIES; REQUIREMENT FOR INDEX AND TABLE OF AUTHORITIES.

Unless otherwise ordered by the Court, pretrial and post-trial briefs and points and authorities in

support of, or in response to, motions shall be limited to thirty (30) pages including the motion but excluding exhibits. Reply briefs and points and authorities shall be limited to twenty (20) pages, excluding exhibits. Where the Court enters an order permitting a longer brief or points and authorities, the papers shall include a table of contents and table of authorities.

LR 7-5. *EX PARTE* AND EMERGENCY MOTIONS.

(a) *Ex Parte* Definition.
An *ex parte* motion or application is a motion or application that is filed with the Court, but is not served upon the opposing or other parties.

(b) All *ex parte* motions, applications or requests shall contain a statement showing good cause why the matter was submitted to the Court without notice to all parties.

(c) Motions, applications or requests may be submitted *ex parte* only for compelling reasons, and not for unopposed or emergency motions.

(d) Written requests for judicial assistance in resolving an emergency dispute shall be entitled "Emergency Motion" and be accompanied by an affidavit setting forth:

(1) The nature of the emergency;

(2) The office addresses and telephone numbers of movant and all affected parties; and,

(3) A statement of movant certifying that, after personal consultation and sincere effort to do so, movant has been unable to resolve the matter without Court action. The statement also must state when and how the other affected party was notified of the motion or, if the other party was not notified, why it was not practicable to do so. If the nature of the emergency precludes such consultation with the other party, the statement shall include a detailed description of the emergency, so that the Court can evaluate whether consultation truly was precluded. It shall be within the sole discretion of the Court to determine whether any such matter is, in fact, an emergency.

LR 7-6. *EX PARTE* COMMUNICATIONS.

(a) Neither party nor counsel for any party shall make an *ex parte* communication with the Court except as specifically permitted by these Rules.

(b) Any unrepresented party or counsel may send a letter to the Court at the expiration of sixty (60) days after any matter has been, or should have been, fully briefed if the Court has not entered its written ruling. If such a letter has been sent and a written ruling still has not been entered one hundred twenty (120) days after the matter has been or should have been fully briefed, any unrepresented party or counsel may send a letter to the Chief Judge, who shall inquire of the judge about the status of the matter.

Copies of all such letters must be served upon all other counsel and unrepresented parties.

LR 8-1. PLEADING JURISDICTION.

The first allegation of any complaint, counterclaim, cross-claim, third-party complaint or petition for affirmative relief shall state the statutory or other basis of claimed federal jurisdiction and the facts in support thereof.

LR 10-1. FORM OF PAPERS GENERALLY.

Papers presented for filing shall be flat, unfolded, firmly bound together at the top, pre-punched with two (2) holes, centered two-and-three-quarters inches (2 ¾ “) apart and one-half inch (½”) to five-eighths inch (⅝”) from the top edge of the paper, and on eight-and-one-half by eleven inches (8 ½” X 11”) paper. Except for exhibits, quotations, the caption, the title of the Court, and the name of the case, lines of typewritten text shall be double-spaced, and except for the title page, shall begin at least one-and-one half inches (1½”) from the top of the page. All handwriting shall be legible, and all typewriting shall be a size which is either not more than ten (10) characters per linear inch or not less than twelve (12) points for proportional spaced fonts or equivalent. All quotations longer than one (1) sentence shall be indented. All pages of each pleading or other paper filed with the Court (exclusive of exhibits) shall be numbered consecutively.

LR 10-2. CAPTION, TITLE OF COURT, AND NAME OF CASE.

The following information shall be stated upon the first page of every paper presented for filing single-spaced:

(a) The name, address, telephone number, fax number, e-mail address and Nevada State Bar number, if any, of the attorney and any associated attorney filing the paper, whether such attorney appears for the plaintiff, defendant or other party, or the name, address and telephone number of a party appearing in *pro se*. This information shall be set forth in the space to the left of center of the page beginning at the top of the first page. The space to the right of center shall be reserved for the filing marks of the Clerk.

(b) The title of the Court shall appear at the center of the first page at least one inch (1”) below the information required by subsection (a) of this Rule, as follows:

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

(c) The name of the action or proceeding shall appear below the title of the Court, in the space to the left of center of the paper, i.e.:

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)

)
RICHARD ROE,)
Defendant.)

(d) In the space to the right of center, there shall be inserted the docket number, which shall include a designation of the nature of the case ("CV" for civil), the division of the Court ("2 for Southern and "3" for Northern), and, except for the original pleading, the case number and the initials of the presiding district judge followed in parentheses by the initials of the magistrate judge if one has been assigned. This information shall be separated as follows: 3:05-CV-115-HDM-(RAM).

(e) Immediately below the caption and the docket number there shall be inserted the name of the paper and whenever there is more than one defendant a designation of the parties affected by it, e.g., Defendant Richard Roe's Motion for Disclosure of Confidential Informant.

LR 10-3. EXHIBITS.

(a) Exhibits attached to documents filed with or submitted to the Court in paper form shall be tabbed with an exhibit number or letter at the bottom or side of the document. Exhibits need not be typewritten and may be copies, but must be clearly legible and not unnecessarily voluminous.

(b) No more than 100 pages of exhibits may be attached to documents filed or submitted to the Court in paper form. Exhibits in excess of 100 pages shall be submitted in a separately bound appendix. Where an appendix exceeds 250 pages, the exhibits shall be filed in multiple volumes, with each volume containing no more than 250 pages. The appendix shall be bound on the left and must include a table of contents identifying each exhibit and, if applicable, the volume number.

(c) Oversized exhibits shall be reduced to eight-and-one-half by eleven inches (8 ½" x 11") unless such reduction would destroy legibility or authenticity. An oversized exhibit that cannot be reduced shall be filed separately with a captioned cover sheet identifying the exhibit and the document(s) to which it relates.

(d) Copies of cases, statutes or other legal authority shall not be attached as exhibits or made part of an appendix.

LR 10-4. COPIES.

Counsel or persons appearing in *pro se* who wish to receive a file-stamped copy of any pleading or other paper must submit one (1) additional copy and if by mail, a self-addressed, postage paid envelope, except that persons granted leave to proceed *in forma pauperis* need not submit a self-addressed, postage paid envelope.

LR 10-5. *IN CAMERA* SUBMISSIONS AND SEALED DOCUMENTS.

(a) Papers submitted for *in camera* inspection shall not be filed with the Court, but shall be delivered to chambers of the appropriate judge, and shall include a captioned cover sheet complying with LR 10-2 that indicates the document is being submitted *in camera* and shall be accompanied by an envelope large enough for the *in camera* papers to be sealed in without being folded. A notice of *in camera* submission shall be filed pursuant to the Court's electronic filing procedures.

(b) Unless otherwise permitted by statute, rule or prior Court order, papers filed with the Court under seal shall be accompanied by a motion for leave to file those documents under seal, and shall be filed in accordance with the Court's electronic filing procedures. If papers are filed under seal pursuant to prior Court order, the papers shall bear the following notation on the first page, directly under the case number: "FILED UNDER SEAL PURSUANT TO COURT ORDER DATED _____." All papers filed under seal will remain sealed until such time as the Court may deny the motion to seal or enter an order to unseal them, or the documents are unsealed pursuant to Local Rule.

(c) The Court may direct the unsealing of papers filed under seal, with or without redactions, within the Court's discretion, after notice to all parties and an opportunity for them to be heard.

LR 15-1. AMENDED PLEADINGS.

(a) Unless otherwise permitted by the Court, the moving party shall attach the proposed amended pleading to any motion to amend, so that it will be complete in itself without reference to the superseding pleading. An amended pleading shall include copies of all exhibits referred to in such pleading.

(b) After the Court has filed its order granting permission to amend, the moving party shall file and serve the amended pleading.

LR 16-1. SCHEDULING AND CASE MANAGEMENT; TIME AND ISSUANCE OF SCHEDULING ORDER.

(a) In cases where a discovery plan is required, the Court shall approve, disapprove or modify the discovery plan and enter the scheduling order within thirty (30) days from the date the discovery plan is submitted.

(b) In actions by or on behalf of inmates under 42 U.S.C. § 1983 or the principles of Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), and in forfeiture and condemnation actions, no discovery plan is required. In such cases, a scheduling order shall be entered within thirty (30) days after the first defendant answers or otherwise appears.

(c) The following categories of cases shall be governed by the entry of an order setting forth a briefing schedule and such other matters as may be appropriate:

(1) Actions for review on an administrative record;

(2) Petitions for *habeas corpus* or other proceeding to challenge a criminal conviction of sentence;

(3) Actions brought without counsel by a person in custody of the United States, a state, or a state subdivision;

(4) Actions to enforce or quash an administrative summons or subpoena;

(5) Actions by the United States to recover benefit payments;

(6) Actions by the United States to collect on a student loan guaranteed by the United States;

(7) Proceedings ancillary to proceedings in other courts; and,

(8) Actions to enforce an arbitration award.

(d) In all cases, the Court may order a conference of all the parties to discuss the provisions of the discovery plan, scheduling order, briefing order setting forth a briefing schedule, and such other matters as the Court deems appropriate.

LR 16.1-1. PATENT PRACTICE.

LR 16.1-1. TITLE.

These are the Local Rules of Practice for Patent Cases before the United States District Court for the District of Nevada.

LR 16.1-2. SCOPE AND CONSTRUCTION.

These Rules apply to all civil actions filed in or transferred to this Court, which allege infringement of a utility patent in a complaint, counterclaim, cross-claim or third party claim, or which seek a declaratory judgment that a patent is not infringed, is invalid or is unenforceable. The Local Rules of Civil Practice for this Court shall also apply to such actions, except to the extent that they are inconsistent with these Patent Local Rules.

LR 16.1-3. MODIFICATION OF RULES.

The Court may apply all or part of these Rules to any case already pending on the effective date of these Rules. The Court may modify the obligations and deadlines of these Rules based on the circumstances of any particular case, including, without limitation, the simplicity or complexity of the case as shown by the patents, claims, products, or parties involved. Modifications may be proposed by one or more parties at the mandatory Fed. R. Civ. P. 26 (f) meeting ("Initial Scheduling Conference"), and then submitted in the stipulated discovery plan and scheduling order. Modifications also may be proposed by request upon a showing of good cause. In advance of submission of any request for a modification, the parties shall meet and confer for purposes of reaching an agreement, if possible, upon any modification.

LR 16.1-4. CONFIDENTIALITY.

Discovery and initial disclosures under these Rules cannot be withheld on the basis of confidentiality absent Court order. Not later than fourteen (14) days after the Initial Scheduling Conference, the parties shall file a proposed protective order. Pending entry of a discovery confidentiality protective order, disclosures deemed confidential by a party shall be produced with a confidential designation (e.g., "Confidential—Attorneys Eyes Only"), and the disclosure of the information will be limited to each party's outside counsel of record, including employees of outside counsel of record, and used only for litigation purposes.

LR 16.1-5. CERTIFICATION OF DISCLOSURES.

All statements, disclosures, or charts filed or served in accordance with these Rules shall be dated and signed by counsel of record. Counsel's signature shall attest that, to the best of his or her knowledge, information, and belief, formed after an inquiry that is reasonable under the circumstances, the disclosure is made in good faith and the information contained in the statement, disclosure, or chart is correct at the time it is made, and provides a complete statement of the information presently known to the party. Disclosures required by these Rules are in addition to others required under the Federal Rules of Civil Procedure.

LR 16.1-6. INITIAL DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS.

Within fourteen (14) days after the Initial Scheduling Conference pursuant to Fed. R. Civ. P. 26(f), a party claiming patent infringement shall serve on all parties a "Disclosure of Asserted Claims and Infringement Contentions." Separately for each opposing party, the Disclosure of Asserted Claims and Infringement Contentions shall contain the following information:

(a) Each claim of each patent in suit that is allegedly infringed by each opposing party, including for each claim the applicable statutory subsections of 35 U.S.C. § 271 asserted;

(b) Separately for each asserted claim, each accused apparatus, product, device, process, method, act or other instrumentality ("Accused Instrumentality") of each opposing party of which the party is aware. This identification shall be as specific as possible. Each product, device, and apparatus shall be identified by name or model number, if known. Each method or process shall be identified by name, if known, or by any product, device, or apparatus which, when used, allegedly results in the practice of the claimed method or process;

(c) A chart identifying specifically where each limitation of each asserted claim is found within each Accused Instrumentality, including for each limitation that such party contends is governed by 35 U.S.C. § 112(6), the identity of the structure(s), act(s), or material(s) in the Accused Instrumentality that performs the claimed function;

(d) For each claim which is alleged to have been indirectly infringed, an identification of any direct infringement and a description of the acts of the alleged indirect infringer that contribute to or are inducing that direct infringement. Insofar as alleged direct infringement is based on joint acts of multiple parties, the role of each such party in the direct infringement must be described;

(e) Whether each limitation of each asserted claim is alleged to be literally present or present under the doctrine of equivalents in the Accused Instrumentality;

(f) For any patent that claims priority to an earlier application, the priority date to which each asserted claim allegedly is entitled;

(g) If a party claiming patent infringement wishes to preserve the right to rely, for any purpose, on the assertion that is own apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention, the party shall identify, separately for each asserted claim, each such apparatus, product, device, process, method, act, or other instrumentality that incorporates or reflects that particular claim; and,

(h) If a party claiming patent infringement alleges willful infringement, the basis for such allegation.

16.1-7. DOCUMENT PRODUCTION ACCOMPANYING ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS.

With the Disclosure of Asserted Claims and Infringement Contentions, the party claiming patent infringement shall produce to each opposing party or make available for inspection and copying:

(a) Documents (e.g., contracts, purchase orders, invoices, advertisements, marketing materials, offer letters, beta site testing agreements, and third party or joint development agreements) sufficient to evidence each discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, or any public use of, the claimed invention prior to the date of application for the patent in suit. A party's production of a document as required herein shall not constitute an admission that such document evidences or is prior art under 35 U.S.C. § 102;

(b) All documents evidencing the conception, reduction to practice, design and development of each claimed invention, which were created on or before the date of application for the patent in suit or the priority date identified pursuant to LR 16.1-6(f), whichever is earlier;

(c) A copy of the file history for each patent in suit;

(d) All documents evidencing ownership of the patent rights by the party asserting patent infringement; and,

(e) If a party identifies instrumentalities pursuant to LR 6.1-6(g), documents sufficient to show the operation of any aspects or elements of such instrumentalities the patent claimant relies upon as embodying any asserted claims. The producing party shall separately identify by production number which documents correspond to each category.

LR 16.1-8. INITIAL DISCLOSURE OF NON-INFRINGEMENT, INVALIDITY, AND UNENFORCEABILITY CONTENTIONS.

Within forty-five (45) days after service of the Initial Infringement Contentions, each party opposing a claim of patent infringement shall serve on all other parties "Non-Infringement, Invalidity and Unenforceability Contentions" which shall include:

(a) A detailed description of the factual and legal grounds for contentions of non-infringement, if any, including a clear identification of each limitation of each asserted claim alleged not to be present in the Accused Instrumentality;

(b) A detailed description of the factual and legal grounds for contentions of invalidity, if any, including an identification of the prior art relied upon and where in the prior art each element of each asserted claim is found. Each prior art patent shall be identified by its number, country of origin, and date of issue. Each prior art publication shall be identified by its title, date of publication, and where feasible, author and publisher. Prior art under 35 U.S.C. § 102(b) shall be identified by specifying the item offered for sale or publicly used or known, the date the offer or use took place or the information became known, and the identity of the person or entity which made the use or which made and received the offer, or the person or entity which made the information known or to whom it was made known. Prior art under 35 U.S.C. § 102(f) shall be identified by providing the name of the person(s) from whom and the circumstances under which the invention or any part of it was derived. Prior art under 35 U.S.C. § 102(g) shall be identified by providing the identities of the person(s) or entities involved in and the circumstances surrounding the making of the invention before the patent applicant(s);

(c) Whether each item of prior art anticipates each asserted claim or renders it obvious. If obviousness is alleged, an explanation of why the prior art renders the asserted claim obvious, including an identification of any combinations of prior art showing obviousness;

(d) A chart identifying where specifically in each alleged item of prior art each limitation of each asserted claim is found, including for each limitation that such party contends is governed by 35 U.S.C. § 112(6), the identity of the structure(s), act(s), or material(s) in each item of prior art that performs the claimed function;

(e) A detailed statement of any grounds of invalidity based on 35 U.S.C. § 101, indefiniteness under 35 U.S.C. § 112(2) or failure of enablement, best mode, or written description requirements under 35 U.S.C. § 112(1); and,

(f) A detailed description of the factual and legal grounds for contentions of unenforceability, if any, including the identification of all dates, conduct, persons involved, and circumstances relied upon for the contention, and where unenforceability is based upon any alleged affirmative misrepresentation or omission of material fact committed before the United States Patent and Trademark Office, the identification of all prior art, dates of the prior art, dates of relevant conduct, and persons responsible for the alleged affirmative misrepresentation or omission of material fact.

LR 16.1-9. DOCUMENT PRODUCTION ACCOMPANYING INVALIDITY CONTENTIONS.

At the time of service of the Non-Infringement, Invalidity, and Unenforceability Contentions, each party defending against patent infringement shall also produce to each opposing party or make available for inspection and copying:

(a) Source code, specifications, schematics, flow charts, artwork, formulas, or other documentation sufficient to show the operation of any aspects or elements of an Accused Instrumentality identified by the patent claimant in its LR 16.1-6(c) chart; and,

(b) A copy or sample of the prior art identified pursuant to LR 16.1-6(b), which does not appear in the file history of the patent(s) at issue. To the extent any such item is not in English, an English translation of the portion(s) relied upon shall be produced. The producing party shall separately identify by production number which documents correspond to each category.

LR 16.1-10. RESPONSE TO INITIAL NON-INFRINGEMENT, INVALIDITY AND UNENFORCEABILITY CONTENTIONS.

Within fourteen (14) days after service of the initial Non-Infringement, Invalidity and Unenforceability Contentions, each party claiming patent infringement shall serve on all other parties its response to Non-Infringement, Invalidity and Unenforceability Contentions. The response shall include a detailed description of the factual and legal grounds responding to each contention of non-infringement, invalidity, including whether the party admits to the identity of elements in asserted prior art and, if not, the reason for such denial; and unenforceability.

LR 16.1-11. DISCLOSURE REQUIREMENT IN PATENT CASES FOR DECLARATORY JUDGMENT OF INVALIDITY.

In all cases in which a party files a complaint seeking a declaratory judgment that a patent is not infringed, is invalid, or is unenforceable, each party seeking a declaratory judgment shall serve on all other parties its initial Non-Infringement, Invalidity and Unenforceability Contentions and corresponding LR 16.1-9 document production within fourteen (14) days after the Initial Scheduling Conference. Within forty-five (45) days after service of the initial Non-Infringement, Invalidity and Unenforceability Contentions, each party opposing the declaratory judgment shall serve on all other parties its response to these initial contentions, and if the opposing party asserts a claim for patent infringement, its initial Disclosure of Asserted Claims and Infringement Contentions, including corresponding LR 16.1-7 document production. This LR 16.1-11 shall not apply to cases in which a request for a declaratory judgment that a patent is invalid is filed in response to a complaint for infringement of the same patent.

LR 16.1-12. AMENDMENT TO DISCLOSURES.

Amendment of initial disclosures required by these Rules may be made for good cause without leave of Court anytime before the discovery cut-off date. Thereafter, the disclosures shall be final and amendment of the disclosures may be made only by order of the Court upon a timely showing of good cause. Non-exhaustive examples of circumstances that may, absent undue prejudice to the non-moving party, support a finding of good cause, include: (a) a claim construction by the Court different from that proposed by the party seeking amendment; (b) recent discovery of material prior art despite earlier diligent search; and, (c) recent discovery of nonpublic information about the Accused Instrumentality

despite earlier diligent search. The duty to supplement discovery response does not excuse the need to obtain leave of Court to amend contentions.

LR 16.1-13. EXCHANGE OF PROPOSED TERMS FOR CONSTRUCTION.

Not later than ninety (90) days after the Initial Scheduling Conference pursuant to Fed. R. Civ. P. 26(f), each party shall serve on each other party a list of patent claim terms, which that the party contends should be construed by the Court, and identify any claim term which the party contends should be governed by 35 U.S.C. § 112(6). The parties shall thereafter meet and confer for the purposes of limiting the terms in dispute by narrowing or resolving differences and facilitating the ultimate preparation of a Joint Claim Construction and Prehearing Statement. The parties shall jointly identify the terms likely to be most significant to resolving the parties' dispute, including those terms for which construction may be case or claim dispositive.

LR 16.1-14. EXCHANGE OF PRELIMINARY CLAIM CONSTRUCTIONS AND EXTRINSIC EVIDENCE.

Not later than thirty (30) days after the exchange of lists pursuant to LR 16.1-13, the parties shall simultaneously exchange proposed constructions of each term identified by either party for claim construction. Each such "Preliminary Claim Construction" shall also, for each term which any party contends is governed by 35 U.S.C. § 112(6), identify the structure(s), act(s), or material(s) corresponding to that term's function.

At the same time the parties exchange their respective Preliminary Claim Constructions, each party shall also:

(a) Identify all references from the specifications or prosecution history that support its proposed construction and designate any supporting extrinsic evidence including, without limitation, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses. Extrinsic evidence shall be identified by production number or by producing a copy if not previously produced. With respect to any supporting witness, percipient or expert, the identifying party shall also provide a description of the substance of that witness' proposed testimony that includes a listing of any opinions to be rendered in connection with claim construction; and,

(b) Schedule a time for counsel to meet and confer for the purposes of narrowing the issues and finalizing preparation of a Joint Claim Construction and Prehearing Statement.

LR 16.1-15. JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT.

Not later than forty-five (45) days after the exchange of lists pursuant to LR 16.1-13, the parties shall prepare and submit to the Court a Joint Claim Construction and Prehearing Statement, which shall contain the following information:

(a) The construction of those terms on which parties agree;

(b) Each party's proposed construction of each disputed term, together with an identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence known to the party on

which it intends to rely either to support its proposed construction or to oppose any other party's proposed construction, including, but not limited to, as permitted by law, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses;

(c) An identification of the terms whose construction will be most significant to the resolution of the case. The parties shall also identify any term whose construction will be case or claim dispositive;

(d) The anticipated length of time necessary for the Claim Construction Hearing; and,

(e) Whether any party proposes to call one or more witnesses at the Claim Construction Hearing, the identity of each such witness, and for each witness, a summary of his or her testimony including, for any expert, each opinion to be offered related to claim construction. Terms to be construed by the Court shall be included in a chart that sets forth the claim language as it appears in the patent with terms and phrases to be construed in bold and include each parties' proposed construction and any agreed proposed construction.

LR 16.1-16. CLAIM CONSTRUCTION BRIEFING.

Not later than thirty (30) days after submitting to the Court the Joint Claim Construction and Prehearing Statement, the party claiming patent infringement, or the party asserting invalidity if there is no infringement issue present in the case, shall serve and file an opening claim construction brief and any evidence supporting its claim construction.

Not later than fourteen (14) days after service upon it of an opening brief, each opposing party shall serve and file its responsive brief and supporting evidence.

Not later than seven (7) days after service upon it of a responsive brief, the party claiming patent infringement, or the party asserting invalidity if there is no infringement issue present in the case, shall serve and file any reply brief and any evidence directly rebutting the supporting evidence contained in an opposing party's response.

LR 16.1-17. CLAIM CONSTRUCTION HEARING.

The Court may conduct a claim construction hearing, if it believes a hearing is necessary for construction of the claims. A party may request a hearing at the time of its briefing pursuant to LR 16.1-16.

LR 16.1-18. AMENDING CLAIM CONSTRUCTION SCHEDULE.

The claim construction schedule under this Rule may be amended with leave of Court as circumstances warrant, including the Court's decision to adjudicate issues regarding patent validity, patent enforceability or both before claim construction is necessary.

LR 16.1-19. MANDATORY SETTLEMENT CONFERENCES FOR PATENT CASES.

Mandatory settlement conferences for patent cases shall be conducted by the magistrate judge assigned to the case as follows:

(a) A Pre-Claim Construction Settlement Conference shall be held within thirty (30) days after the parties have submitted all initial disclosures and responses thereto as required under LR 16.1-6 through LR 16.1-12;

(b) A Post-Claim Construction Order Settlement conference shall be held within thirty (30) days after entry of the claim construction order;

(c) A Pretrial Settlement Conference shall be held within thirty (30) days after filing the Pretrial Order or further order of the Court.

LR 16.1-20. STAY OF FEDERAL COURT PROCEEDINGS.

The Court may order a stay of litigation pending the outcome of a reexamination proceeding before the United States Patent and Trademark Office that concerns a patent at issue in the federal court litigation. Whether the Court stays litigation upon the request of a party will depend on the circumstances of each particular case, including without limitation: (1) whether a stay will unduly prejudice or present a clear tactical disadvantage to the nonmoving party, (2) whether a stay will simplify the issues in question and the trial of the case, (3) whether discovery is complete, and (4) whether a trial date has been set.

LR 16.1-21. GOOD FAITH PARTICIPATION.

A failure to make a good faith effort to provide initial disclosures, narrow the instances of disputed claim construction terms, participate in the meet and confer process, or comply with any other of the obligations under these Rules may expose counsel to sanctions, including under 28 U.S.C. § 1927.

LR 16-2. PRETRIAL CONFERENCES.

Unless specifically ordered, the Court will not conduct pretrial conferences. A party may at any time make written request for a pretrial conference to expedite disposition of any case, particularly one which is complex or in which there has been delay. Pretrial conferences may be called at any time by the Court on its own initiative.

LR 16-3. PRETRIAL ORDER, MOTIONS *IN LIMINE*, AND TRIAL SETTING.

(a) The scheduling order may set the date for submitting the joint pretrial order, if required by the Court.

(b) Unless otherwise ordered by the Court, motions *in limine* are due thirty (30) days prior to trial. Oppositions shall be filed and served and the motion submitted for decision fourteen (14) days thereafter. Replies will be allowed only with leave of the Court.

(c) Upon the initiative of counsel for plaintiff, counsel who will try the case and who are authorized to make binding stipulations shall personally discuss settlement and prepare and lodge with the Court a proposed joint pretrial order containing the following:

(1) A concise statement of the nature of the action and the contentions of the parties;

(2) A statement as to the jurisdiction of the Court with specific legal citations;

(3) A statement of all uncontested facts deemed material in the action;

(4) A statement of the contested issues of fact in the case as agreed upon by the parties;

(5) A statement of the contested issues of law in the case as agreed upon by the parties;

(6) Plaintiff's statement of any other issues of fact or law deemed to be material;

(7) Defendant's statement of any other issues of fact or law deemed to be material;

(8) Lists or schedules of all exhibits that will be offered in evidence by the parties at the trial. Such lists or schedules shall describe the exhibits sufficiently for ready identification and:

(A) Identify the exhibits the parties agree can be admitted at trial; and,

(B) List those exhibits to which objection is made and state the grounds therefore. Stipulations as to admissibility, authenticity and/or identification of documents shall be made whenever possible;

(9) A statement by each party identifying any depositions intended to be offered at the trial, except for impeachment purposes, and designating the portions of the deposition to be offered;

(10) A statement of the objections, and the grounds therefore, to deposition testimony the opposing party has designated;

(11) A list of witnesses, with their addresses, who may be called at the trial. Such list may not include witnesses whose identities were not, but should have been revealed in response to permitted discovery unless the Court, for good cause and on such conditions as are just, otherwise orders; and,

(12) A list of motions *in limine* filed, if any.

(d) Except when offered for impeachment purposes, no exhibit shall be received and no witnesses shall be permitted to testify at the trial unless listed in the pretrial order. However, for good cause shown, the Court may allow an exception to this provision.

LR 16-4. FORM OF PRETRIAL ORDER.

Unless otherwise ordered, the pretrial order shall be in the following form:

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

_____, Plaintiff,	)	CASE NO. _____
vs.	)	
_____, Defendant.	)	PRETRIAL ORDER

Following pretrial proceedings in this cause,

IT IS ORDERED:

I.

This is an action for: (State nature of action, relief sought, identification and contentions of parties.)

II.

Statement of jurisdiction: (State the facts and cite the statutes which give this Court jurisdiction of the Case.)

III.

The following facts are admitted by the parties and require no proof:

_____
_____
_____

IV.

The following facts, though not admitted, will not be contested at trial by evidence to the contrary:

_____
_____
_____

V.

The following are the issues of fact to be tried and determined upon trial.[1] (Each issue of fact must be stated separately and in specific terms.)

_____
_____
_____

VI.

The following are the issues of law to be to be tried and determined upon trial.[2] (Each issue of law must be stated separately and in specific terms.)

_____
_____
_____

(a) The following exhibits are stipulated into evidence in this case and may be so marked by the Clerk:

(1) Plaintiff's exhibits.

(2) Defendant's exhibits.

(b) As to the following additional exhibits the parties have reached the stipulations stated:

(1) Set forth stipulations as to plaintiff's exhibits.

(2) Set forth stipulations as to defendant's exhibits.

(c) As to the following exhibits, the party against whom the same will be offered objects to their admission upon the grounds stated:

(1) Set forth objections to plaintiff's exhibits.

(2) Set forth objections to defendant's exhibits.

(d) Depositions:

(1) Plaintiff will offer the following depositions: (Indicate name of deponent and identify portions to be offered by pages and lines and the party or parties against whom offered.)

(2) Defendant will offer the following depositions: (Indicate name of deponent and identify portions to be offered by pages and lines and the party or parties against who offered.)

[1] Should counsel be unable to agree upon the statement of issues of fact, the joint pretrial order should include separate statements of issues of fact to be tried and determined upon trial.

[2] Should counsel be unable to agree upon the statement of issues of law, the joint pretrial order should include separate statements of issues of law to be tried and determined upon trial.

(e) Objections to Depositions:

(1) Defendant objects to plaintiff's deposition as follows:

_____
_____
_____

(2) Plaintiff objects to defendant's depositions as follows:

_____
_____
_____

VIII.

The following witnesses may be called by the parties upon trial:

(a) State names and addresses of plaintiff's witnesses.

(b) State names and addresses of defendant's witnesses.

IX.

Counsel have met and herewith submit a list of three (3) agreed-upon trial dates:

_____ _____ _____

It is expressly understood by the undersigned that the Court will set the trial of this matter on one (1) of the agreed-upon dates if possible; if not, the trial will be set at the convenience of the Court's calendar.

X.

It is estimated that the trial herein will take a total of _____ days.

APPROVED AS TO FORM AND CONTENT:

_____
Attorney for Plaintiff

_____
Attorney for Defendant

XI.

ACTION BY THE COURT

(a) This case is set down for Court/jury trial on the fixed/stacked calendar on _____.
Calendar call shall be held on _____.

(b) An original and two (2) copies of each trial brief shall be submitted to the Clerk on or before_____.

(c) Jury trials:

(1) An original and two (2) copies of all instructions requested by either party shall be submitted to the Clerk for filing on or before _____.

(2) An original and two (2) copies of all suggested questions of the parties to be asked of the jury panel by the Court on *voir dire* shall be submitted to the Clerk for filing on or before _____.

(d) Court trials:

Proposed findings of fact and conclusions of law shall be filed on or before _____.

The foregoing pretrial order has been approved by the parties to this action as evidenced by the signatures of their counsel hereon, and the order is hereby entered and will govern the trial of this case. This order shall not be amended except by order of the Court pursuant to agreement of the parties or to prevent manifest injustice.

DATED: _____.

_____
UNITED STATES DISTRICT JUDGE or
UNITED STATES MAGISTRATE JUDGE

LR 16-5. SETTLEMENT CONFERENCE AND ALTERNATIVE METHODS OF DISPUTE RESOLUTION.

The Court may, in its discretion and at any time, set any appropriate civil case for settlement conference, summary jury trial, or other alternative method of dispute resolution.

LR 16-6. EARLY NEUTRAL EVALUATION.

(a) All employment discrimination actions filed in this Court must undergo early neutral evaluation as defined by this Rule. The purpose of the early neutral evaluation session is for the evaluating magistrate judge to give the parties a candid evaluation of the merits of their claims and defenses. For purposes of this Rule, "employment discrimination action" includes actions filed under the following statutes: Title VII of the Civil Rights Act of 1964, as amended; 42 U.S.C. § 2000, *et seq*.; Title I of the Americans With Disabilities Act, as amended, 42 U.S.C. 12101, *et seq*.; prohibition of employment discrimination under 42 U.S.C. § 1981; Age Discrimination in Employment Act, 29 U.S.C. § 626, *et seq*.; Equal Pay Act, 29 U.S.C. § 206; Genetic Information Non-Discrimination Act of 2008, 42 U.S.C. § 2000ff, *et seq.*; Vocational Rehabilitation Act of 1973, 29 U.S.C. § 794; and under 42 U.S.C. § 1983, if the complaint alleges discrimination in employment on the basis of race, color, gender, national origin, and/or religion.

(b) In the event an action is not initially assigned to the Early Neutral Evaluation Program, an action must be assigned to the Program upon the filing by any party of a notice stating that action falls under one or more of the statutes listed in LR 16-6 (a).

(c) Motions for relief from early neutral evaluation must be filed not later than seven (7) days after the appearance in the case of the moving party or entry of an order pursuant to LR 16-1(b). A response to the motion for relief from early neutral evaluation must be filed within fourteen (14) days after service of the original motion. No reply will be allowed. Motions filed under LR 16-6(c) are not subject to the requirements of LR 7-2. The evaluating magistrate judge shall have final authority to grant or deny any motion requesting exemption from early neutral evaluation and may exempt any case from early neutral evaluation on the judge's own motion. Such orders are not appealable.

(d) Unless good cause is shown, the early neutral evaluation session shall be held by the Court not later than ninety (90) days after the first responding party appears in the case.

(e) Unless excused by the evaluating magistrate judge, the parties with authority to settle the case and their counsel shall attend the early neutral session in person.

(f) Parties shall submit to the chambers of the evaluating magistrate judge their written evaluation statements by 4:00 p.m. seven (7) days prior to the early evaluation hearing. The written evaluation statement shall not be filed with the Clerk or served on the opposing parties.

(1) Evaluation statements shall be concise and shall:

(A) Identify by name or status the person(s) with decision-making authority, who, in addition to counsel, will attend the early neutral evaluation session as representative(s) of the party, and persons connected with a party opponent (including an insurer representative) whose presence might substantially improve the utility of the early neutral evaluation session or the prospects of settlement;

(B) Describe briefly the substance of the suit, addressing the party's views on the key liability issues and damages;

(C) Address whether there are legal or factual issues whose early resolution would reduce significantly the scope of the dispute or contributes to settlement negotiations;

(D) Describe the history and status of settlement negotiations; and,

(E) Include copies of documents, pictures, recordings, etc. out of which the suit arose, or whose availability would materially advance the purposes of the evaluation session, (e.g., medical reports, documents by which special damages might be determined.)

(2) Each evaluation statement shall remain confidential unless a party gives the Court permission to reveal some or all of the information contained within the statement.

(g) Each evaluating magistrate judge shall:

(1) Permit each party (through counsel or otherwise), orally and through documents or other media, to present its claims or defenses and to describe the principal evidence on which they are based;

(2) Assist the parties to identify areas of agreement and, where feasible, enter stipulations;

(3) Assess the relative strengths and weaknesses of the parties' contentions and evidence, and carefully explain the reasoning that supports these;

(4) When appropriate, assist the parties through private caucusing or otherwise, to explore the possibility of settling the case;

(5) Estimate, where feasible, the likelihood of liability and the range of damages;

(6) Assist the parties in devising a plan for expediting discovery, both formal and informal, in order to enter into meaningful settlement discussions or to position the case for disposition by other means;

(7) Assist the parties to realistically assess litigation costs; and,

(8) Determine whether some form of follow-up to the session would contribute to the case development process or to settlement.

LR 22-1. INTERPLEADER ACTIONS.

In all interpleader actions, no discharge will be granted and no plaintiff will be dismissed prior to the scheduling conference provided for in Local Rule 22-2.

LR 22-2. SCHEDULING CONFERENCES FOR INTERPLEADER ACTIONS.

In all interpleader actions, the plaintiff must file a motion requesting that the Court set a scheduling conference. The motion must be filed within thirty (30) days after the first defendant answers or otherwise appears. At the scheduling conference, the plaintiff will advise the Court as to the status of service on all defendants who have not appeared. In addition, the Court and parties will develop a briefing schedule or discovery plan and scheduling order for resolving the parties' competing claims. If the plaintiff fails to prosecute the interpleader action by failing to file the motion required by this Local Rule, the Court may dismiss the action.

LR 26-1. DISCOVERY PLANS AND MANDATORY DISCLOSURES.

(a) [Repealed December 1, 2000. See Fed. R. Civ. P. 26(a).]

(b) [Repealed December 1, 2000. See Fed. R. Civ. P. 26(g)(1).]

(c) [Repealed December 1, 2000. See Fed. R. Civ. P. 26(e).]

(d) Fed. R. Civ. P. 26(f) Meeting; Filing and Contents of Discovery Plan and Scheduling Order.

Counsel for plaintiff shall initiate the scheduling of the Fed. R. Civ. P. 26(f) meeting within thirty (30) days after the first defendant answers or otherwise appears. Fourteen (14) days after the mandatory Fed. R. Civ. P. 26(f) conference, the parties shall submit a stipulated discovery plan and scheduling order. The plan shall be in such form so as to permit the plan, on Court approval thereof, to become the scheduling order required by Fed. R. Civ. P. 16(b). If the plan sets deadlines within those specified in LR 26-1(e), the plan shall state on its face in bold type, "SUBMITTED IN COMPLIANCE WITH LR 26-1(e)." If longer deadlines are sought, the plan shall state on its face "SPECIAL SCHEDULING REVIEW REQUESTED." Plans requesting special scheduling review shall include, in addition to the information required by Fed. R. Civ. P. 26(f) and LR 26-1(e), a statement of the reasons why longer or different time periods should apply to the case or, in cases in which the parties disagree as to the form or contents of the discovery plan, a statement of each party's position on each point in dispute.

(e) Form of Stipulated Discovery Plan and Scheduling Order, Applicable Deadlines. The discovery plan shall include, in addition to the information required by Fed. R. Civ. P. 26(f), the following information:

(1) Discovery Cut-Off Date. The plan shall state the date the first defendant answered or otherwise appeared, the number of days required for discovery measured from the date the first defendant answers or otherwise appears, and shall give the calendar date on which discovery will close. Unless otherwise ordered, discovery periods longer than one hundred eighty (180) days from the date the first defendant answers or appears will require special scheduling review;

(2) Amending the Pleadings and Adding Parties. Unless the discovery plan otherwise provides and the Court so orders, the date of filing motions to amend the pleadings or to add parties shall be not later than ninety (90) days prior to the close of discovery. The plan should state the calendar dates on which these amendments will fall due;

(3) Fed. R. Civ. P. 26(a)(2) Disclosures (Experts). Unless the discovery plan otherwise provides and the Court so orders, the time deadlines specified in Fed. R. Civ. P. 26(a)(2)(C) for disclosures concerning experts are modified to require that the disclosures be made sixty (60) days before the discovery cut-off date and that disclosures respecting rebuttal experts be made thirty (30) days after the initial disclosure of experts. The plan should state the calendar dates on which these exchanges will fall due;

(4) Dispositive Motions. Unless the discovery plan otherwise provides and the Court so orders, the date for filing dispositive motions shall be not later than thirty (30) days after the discovery cut-off date. The plan should state the calendar dates on which these dispositive motions will fall due;

(5) Pretrial Order. Unless the discovery plan otherwise provides and the Court so orders, the joint pretrial order shall be filed not later than (30) days after the date set for filing dispositive motions. In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after decision of the dispositive motions or further order of the Court;

(6) Fed. R. Civ. P. 26(a)(3) Disclosures. Unless the discovery plan otherwise provides and the Court so orders, the disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereof shall be included in the pretrial order; and,

(7) Form of Order. All discovery plans shall include on the last page thereof the words "IT IS SO ORDERED" with a date and signature block for the judge in the manner set forth in LR 6-2.

(f) Unless otherwise ordered, Local Rule 26-1(d) and (e) do not apply to interpleader actions. The procedures in Local Rules 22-1 and 22-2 will govern all interpleader actions.

LR 26-2. TIME FOR COMPLETION OF DISCOVERY WHEN NO SCHEDULING ORDER IS ENTERED.

Unless otherwise ordered, in cases where no discovery plan is required, discovery shall be completed within one hundred eighty (180) days from the time the first defendant answers or otherwise appears.

LR 26-3. INTERIM STATUS REPORTS.

Not later than sixty (60) days before the discovery cut-off, the parties shall submit an interim status report stating the time they estimate will be required for trial, giving three (3) alternative available trial dates, and stating whether, in the opinion of counsel who will try the case, trial will be eliminated or its length affected by substantive motions. This status report shall be signed by counsel for each party or the party, if appearing in *pro se*.

LR 26-4. EXTENSION OF SCHEDULED DEADLINES.

Applications to extend any date set by the discovery plan, scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be supported by a showing of good cause for the extension. All motions or stipulations to extend a deadline set forth in a discovery plan shall be received by the Court no later than twenty-one (21) days before the expiration of the subject deadline. A request made after the expiration of the subject deadline shall not be granted unless the movant demonstrates that the failure to act was the result of excusable neglect. Any motion or stipulation to extend a deadline or to reopen discovery shall include:

(a) A statement specifying the discovery completed;

(b) A specific description of the discovery that remains to be completed;

(c) The reasons why the deadline was not satisfied or the remaining discovery was not completed within the time limits set by the discovery plan; and,

(d) A proposed schedule for completing all remaining discovery.

LR 26-5. RESPONSES TO WRITTEN DISCOVERY.

All responses to written discovery shall, immediately preceding the response, identify the number or other designation and set forth in full the text of the discovery sought.

LR 26-6. DEMAND FOR PRIOR DISCOVERY.

A party who enters a case after discovery has begun is entitled, on written request, to inspect and copy, at the requesting party's expense, all discovery provided or taken by every other party in the case. The request shall be directed to the party who provided the discovery or, if the discovery was obtained from a person not a party to the case, to the party who took such discovery.

LR 26-7. DISCOVERY MOTIONS.

(a) All motions to compel discovery or for protective order shall set forth in full the text of the discovery originally sought and the response thereto, if any.

(b) Discovery motions will not be considered unless a statement of the movant is attached thereto certifying that, after personal consultation and sincere effort to do so, the parties have been unable to resolve the matter without Court action.

(c) Unless otherwise ordered, all emergency discovery disputes are referred to the magistrate judge assigned to the case. The movant may apply for relief by written motion or, where time does not permit, by a telephone call to the magistrate judge or district judge assigned to the case. Written requests for judicial assistance in resolving an emergency discovery dispute shall be entitled “Emergency Motion” and be accompanied by an affidavit setting forth:

(1) The nature of the emergency;

(2) The office addresses and telephone numbers of the movant and all affected parties;

(3) A statement of when and how the other affected parties were notified of the motion or, if not notified, why it was not practicable to do so.

(d) It shall be within the sole discretion of the Court to determine whether any such matter is, in fact, an emergency.

LR 26-8. FILING OF DISCOVERY PAPERS.

Unless otherwise ordered by the Court, written discovery, including responses thereto, and deposition transcripts, shall not be filed with the Court. Originals of responses to written discovery requests shall be served on the party who served the discovery request and that party shall make such originals available at the pretrial hearing, at trial, or on order of the Court. Likewise, the deposing party shall make the original transcript of a deposition available at any pretrial hearing, at trial, or on order of the Court.

LR 26-9. EXEMPTIONS.

[Repealed December 1, 2000. See Fed. R. Civ. P. 26(a)(1)(E).]

LR 30-1. DEPOSITIONS UPON ORAL EXAMINATION.

[Repealed effective December 1, 2000. See Fed. R. Civ. P. 30.]

LR 30-2. REQUIREMENTS FOR TRANSCRIPTS.

Unless the Court orders otherwise, depositions shall be recorded by stenographic means.

LR 31-1. DEPOSITIONS UPON WRITTEN QUESTIONS.

[Repealed effective December 1, 2000. See Fed. R. Civ. P. 31.]

LR 32-1. USE OF DEPOSITIONS IN COURT PROCEEDINGS.

Unless the Court orders otherwise, deposition testimony shall be offered by stenographic means.

LR 33-1. INTERROGATORIES.

[Repealed effective December 1, 2000. See Fed. R. Civ. P. 33.]

LR 34-1. PRODUCTION OF DOCUMENTS.

[Repealed effective December 1, 2000. See Fed. R. Civ. P. 34.]

LR 36-1. REQUEST FOR ADMISSIONS.

[Repealed effective December 1, 2000. See Fed. R. Civ. P. 36.]

LR 38-1. JURY DEMAND.

When a jury trial is demanded in a pleading, the words "JURY DEMAND" shall be typed or printed in capital letters on the first page immediately below the name of the pleading.

LR 41-1. DISMISSAL FOR WANT OF PROSECUTION.

All civil actions that have been pending in this Court for more than two hundred seventy (270) days without any proceeding of record having been taken may, after notice, be dismissed for want of prosecution on motion of counsel or by the Court.

LR 43-1. INTERPRETERS/TAKING OF TESTIMONY.

A party who anticipates needing the services of an interpreter shall make arrangements therefore, at that party's expense, and file a written notice not later than fourteen (14) days prior to the proceeding in which the interpreter's services will be used. The notice shall include the name and credentials of the interpreter, the name of the witness or witnesses requiring such service, and the reason the service is needed.

LR 48-1. CONTACT WITH JURORS PROHIBITED.

Unless otherwise permitted by the Court, no party, attorney or other interested person shall communicate with or contact any juror until the jury concludes its deliberations and is discharged.

LR 54-1. BILL OF COSTS.

(a) See 28 U.S.C. § § 1920, 1921, and 1923; and Fed. R. Civ. P. 54(d). Unless otherwise ordered by the Court, the prevailing party shall be entitled to reasonable costs. A prevailing party who claims such costs shall serve and file a bill of costs and disbursements on the form provided by the Clerk no later than fourteen (14) days after the date of entry of the judgment or decree.

(b) See 28 U.S.C. § 1924. Every bill of costs and disbursements shall be verified and distinctly set forth each item so that its nature can be readily understood. The bill of costs shall state that the items are correct and that the services and disbursements have been actually and necessarily provided and made. An itemization and, where available, documentation of requested costs in all categories must attached to the bill of costs.

(c) The Clerk shall tax the costs not later than fourteen (14) days after the filing of objections or when the time within which such objections may be filed has passed.

LR 54-2. CLERK'S, MARSHAL'S, PROCESS SERVER'S, AND DOCKET FEES.

Clerk's fees (see 28 U.S.C. § 1920), docket fees (see 28 U.S.C. § 1923) and marshal's fees (see 28 U.S.C. § 1921) are allowable by statute. Fees of authorized process servers are ordinarily taxable.

LR 54-3. FEES INCIDENT TO TRANSCRIPTS; TRIAL TRANSCRIPTS.

Transcripts of pretrial, trial, and post-trial proceedings are not taxable unless either requested by the Court or prepared pursuant to stipulation approved by the Court. Mere acceptance by the Court does not constitute a request. Copies of transcripts for counsel's own use are not taxable absent a prior special order of the Court.

LR 54-4. DEPOSITION COSTS.

The cost of a deposition transcript (either the original or a copy, but not both) is taxable whether taken solely for discovery or for use at trial. The reasonable expenses of a deposition reporter and the notary or other official presiding at the deposition are taxable, including travel, where necessary, and

subsistence. Postage costs, including registry, for sending the original deposition to the Clerk for filing are taxable if the Court has ordered the filing of said deposition. Counsel's fees, expenses in arranging for taking a deposition, and expenses in attending the deposition are not taxable, except as provided by statute or by the Federal Rules of Civil Procedure. Fees for the witness at the taking of a deposition are taxable at the same rate as for attendance at trial. The witness need not be under subpoena. A reasonable fee for a necessary interpreter at the taking of a taxable deposition is taxable.

LR 54-5. WITNESS FEES, MILEAGE, AND SUBSISTENCE.

(a) The rate for witness fees, mileage, and subsistence are fixed by statute (see 28 U.S.C. § 1821). Such fees are taxable even though the witness did not testify if it is shown that the attendance was necessary, but if a witness is not used, the presumption is that the attendance was unnecessary. Such fees are taxable even though the witness attends voluntarily and not under subpoena. Costs may be taxed for each day the witness is necessarily in attendance and are not limited to the actual day the witness testified. Fees will be limited, however, to the days of actual testimony and the days required for travel if no showing is made that the witness necessarily attended for a longer time.

(b) Subsistence to the witness under 28 U.S.C. § 1821 is allowable if the mileage fees for the witness to travel from the witness' residence to Court and back each day exceed the applicable subsistence fees.

(c) No party shall receive witness fees for testifying in that party's own behalf, but this shall not apply where a party is subpoenaed to attend Court by the opposing party. Witness fees for officers of a corporation are taxable if the officers are not defendants and recovery is not sought against the officers individually. Fees for expert witnesses are not taxable in a greater amount than statutorily allowable for ordinary witnesses unless authorized by contract or specific statute.

(d) The reasonable fee of a competent interpreter is taxable if the fee of the witness for whom the interpreting services were required is taxable. The reasonable fee of a competent translator is taxable if the document translated is necessarily filed or admitted into evidence.

LR 54-6. EXEMPLIFICATION AND COPIES OF PAPERS.

(a) An itemization of costs claimed pursuant to this section shall be attached to the cost bill. The cost of copies of an exhibit necessarily attached to a document required to be filed and served is taxable. Cost of one (1) copy of a document is taxable when the copy is admitted into evidence in lieu of an original because the original is either not available or is not introduced at the request of opposing counsel. The cost of copies submitted in lieu of originals because of the convenience of offering counsel or counsel's client is not taxable. The cost of reproducing copies of motions, pleadings, notices and other routine case papers is not allowable. The cost of copies obtained for counsel's own use is not taxable. The fee of an official for certification or proof regarding non-existence of a document is taxable. Notary fees are taxable if actually incurred, but only for documents which are required to be notarized and which are necessarily filed. Costs incurred for

reducing documents to comply with the paper size requirement of these Rules are taxable.

(b) The cost of patent file wrappers and prior art patents are taxable at the rate charged by the patent office. Expenses for services of persons checking patent office records to determine what should be ordered are not taxable.

LR 54-7. MAPS, CHARTS, MODELS, PHOTOGRAPHS, SUMMARIES, COMPUTATIONS, AND STATISTICAL SUMMARIES.

The cost of maps and charts is taxable if they are admitted into evidence. The cost of photographs, eight by ten inches (8" x 10") in size or less, is taxable if admitted into evidence or attached to documents required to be filed and served on opposing counsel. The cost of enlargements greater than eight by ten inches (8" x l0") models, summaries, computations, and statistical comparisons are not taxable except by prior order of the Court.

LR 54-8. FEES OF MASTERS, RECEIVERS, AND COMMISSIONERS.

Unless otherwise ordered by the Court, fees of masters, receivers, and commissioners are taxable as costs.

LR 54-9. PREMIUMS ON UNDERTAKINGS AND BONDS.

Premiums paid on undertakings and bonds are ordinarily taxable where the same have been furnished by reason of express requirement of law, on order of the Court, or to enable the party to secure some right in the action or proceeding.

LR 54-10. REMOVED CASES.

In a removed case, costs incurred in the state court before removal are taxable in favor of the prevailing party. Such costs include but are not limited to:

(a) Fees paid to the clerk of the state court;

(b) Fees for service of process in the state court;

(c) Costs of exhibits necessarily attached to documents required to be filed in the state court; and,

(d) Fees for witnesses attending depositions before removal, unless the Court finds that the witness was deposed without reason or necessity.

LR 54-11. COSTS AGAINST THE GOVERNMENT.

See 28 U.S.C. § 2412.

LR 54-12. COSTS NOT ORDINARILY ALLOWED.

Unless substantiated by reference to statute or decision, the following costs will not ordinarily be allowed:

(a) Accountant's fees incurred for investigation;

(b) The purchase of infringing devices in patent cases;

(c) The physical examination of an opposing party;

(d) Courtesy copies of exhibits furnished to opposing counsel without request; and,

(e) Motion pictures.

LR 54-13. METHOD OF TAXATION OF COSTS.

(a) Any objections to a bill of costs shall be filed and served no later than fourteen (14) days after service of the bill of costs. Such objections shall specify each item to which objection is made and the grounds therefore, and shall include, if appropriate, supporting affidavits or other material.

(b) On the date set for the taxation neither the parties nor their attorneys shall appear.

(1) If no objection has been filed, the Clerk may enter the bill of costs as submitted and shall make an insertion of the costs into the docket and the judgment, if appropriate. The Clerk's taxation of costs shall be final unless modified on review as provided in these Rules. If no objection to a cost bill is filed, such failure may constitute a consent to the award of all costs included, but does not prevent a party from filing a motion to retax as provided in LR 54-14, subject to the Court's consideration of the party's failure to file an objection.

(2) If the costs are sought against the United States, its officers and agencies, the Clerk shall proceed to tax such costs as are properly chargeable and shall make an insertion of the costs into the docket and the judgment, if appropriate. The Clerk's taxation of costs shall be final unless modified on review as provided in these Rules.

(3) If an objection to a cost bill is filed, the cost bill shall be treated as a motion and the objection shall be treated as a response thereto. The Clerk or deputy clerk may prepare sign and enter an order disposing of a cost bill, subject to a motion to re-tax as provided in LR 54-14. The Clerk's taxation of costs shall be final unless modified on review as provided in these Rules.

(c) Notice of the Clerk's taxation of costs shall be given by serving a copy of the bill as approved by the Clerk to all parties in accordance with the Fed. R. Civ. P. 5.

LR 54-14. REVIEW OF COSTS.

(a) A party may obtain review of the Clerk's taxation of costs by motion to retax under

Fed. R. Civ. P. 54(d), accompanied by points and authorities. Any motion to retax costs shall be filed and served within seven (7) days after receipt of the notice provided for in LR 54-13(c).

(b) A motion to retax shall particularly specify the ruling of the Clerk excepted to, and no others will be considered by the Court. The motion shall be decided on the same papers and evidence submitted to the Clerk.

LR 54-15. APPELLATE COSTS.

The District Court does not tax or retax appellate costs. The certified copy of the judgment or the mandate of the Court of Appeals, without further action by the District Court, is sufficient basis to request the Clerk of the District Court to issue a writ of execution to recover costs taxed by the appellate court.

LR 54-16. MOTIONS FOR ATTORNEY'S FEES.

(a) Time for Filing. When a party is entitled to move for attorney's fees, such motion shall be filed with the Court and served within fourteen (14) days after entry of the final judgment or other order disposing of the action.

(b) Content of Motions. Unless otherwise ordered by the Court, a motion for attorney's fees must, in addition to those matters required by Fed. R. Civ. P. 54(d)(2)(B), include the following:

(1) A reasonable itemization and description of the work performed;

(2) An itemization of all costs sought to be charged as part of the fee award and not otherwise taxable pursuant to LR 54-1 through 54-15;

(3) A brief summary of:

(A) The results obtained and the amount involved;

(B) The time and labor required;

(C) The novelty and difficulty of the questions involved;

(D) The skill requisite to perform the legal service properly;

(E) The preclusion of other employment by the attorney due to acceptance of the case;

(F) The customary fee;

(G) Whether the fee is fixed or contingent;

(H) The time limitations imposed by the client or the circumstances;

(I) The experience, reputation, and ability of the attorney(s);

(J) The undesirability of the case, if any;

(K) The nature and length of the professional relationship with the client;

(L) Awards in similar cases; and,

(4) Such other information as the Court may direct.

(c) Attorney Affidavit. Each motion must be accompanied by an affidavit from the attorney responsible for the billings in the case authenticating the information contained in the motion and confirming that the bill has been reviewed and edited and that the fees and costs charged are reasonable.

(d) Failure to provide the information required by LR 54-16(b) and (c) in a motion for attorneys' fees constitutes a consent to the denial of the motion.

(e) Opposition. If no opposition is filed, the Court may grant the motion. If an opposition is filed, it shall set forth the specific charges that are disputed and state with reasonable particularity the basis for such opposition. The opposition shall further include affidavits to support any contested fact.

(f) Hearing. If either party wishes to examine the affiant, such party must specifically make such a request in writing. Absent such a request, the Court may decide the motion on the papers or set the matter for evidentiary hearing.

LR 56-1. MOTIONS FOR SUMMARY JUDGMENT.

Motions for summary judgment and responses thereto shall include a concise statement setting forth each fact material to the disposition of the motion, which the party claims is or is not genuinely in issue, citing the particular portions of any pleading, affidavit, deposition, interrogatory, answer, admission, or other evidence upon which the party relies.

LR 65.1-1. QUALIFICATION OF SURETY.

Except for bonds secured by cash or negotiable bonds or notes of the United States as provided for in LR 65.1-2, every bond must have as surety:

(a) A corporation authorized by the United States Secretary of the Treasury to act as surety on official bonds under 31 U.S.C. §§ 9304 through 9306;

(b) A corporation authorized to act as surety under the laws of the State of Nevada, which corporation shall have on file with the Clerk a certified copy of its certificate of authority to do business in Nevada, together with a certified copy of the power of attorney appointing the agent authorized to execute the bond;

(c) One or more individuals each of whom owns real or personal property sufficient to justify the full amount of the suretyship; or,

(d) Such other security as the Court shall order.

LR 65.1-2. DEPOSIT OF MONEY OR UNITED STATES OBLIGATION IN LIEU OF SURETY.

Upon order of the Court, there may be deposited with the Clerk in lieu of surety:

(a) Lawful money accompanied by an affidavit that identifies the legal owner thereof; or,

(b) Negotiable bonds or notes of the United States accompanied by an executed agreement as required by 31 U.S.C. § 9303(a)(3) authorizing the Clerk to collect or sell the bonds or notes in the event of default.

LR 65.1-3. APPROVAL.

Unless approval of the bond or the individual sureties is endorsed thereon by opposing counsel or the party, if appearing in *pro se*, the party offering the bond shall apply to the Court for approval. The Clerk is authorized to approve bonds unless approval by the Court is expressly required by law.

LR 65.1-4. PERSONS NOT TO ACT AS SURETIES.

Neither officer of this Court nor any member of the Bar of this Court nor any nonresident attorney specially admitted to practice before this Court nor their office associates or employees shall act as surety in this Court.

LR 65.1-5. JUDGMENT AGAINST SURETIES.

Regardless of what may be otherwise provided in any security instrument, every surety who provides a bond or other undertaking for filing with this Court thereby submits to the jurisdiction of the Court and irrevocably appoints the Clerk as agent upon whom any paper affecting liability on the bond or undertaking may be served. Liability shall be joint and several and may be enforced summarily without independent action. Service may be made upon the Clerk who shall forthwith mail a copy to the surety at the last known address.

LR 65.1-6. FURTHER SECURITY OR JUSTIFICATION OF PERSONAL SURETIES.

At any time and upon reasonable notice to all other parties, a party for whose benefit a bond is presented or posted may apply to the Court for further or different security or for an order requiring personal sureties to justify.

LR 66-1. RECEIVERS IN GENERAL.

In the exercise of the authority vested in the District Courts by Fed. R. Civ. P. 66, the Rules in this part are promulgated for the administration of estates by receivers or other similar officers appointed by the Court. The Federal Rules of Civil Procedure and these Rules govern any civil action in which the

appointment of a receiver or other similar officer is sought or which is brought by or against such an officer.

LR 66-2. NOTICE; TEMPORARY RECEIVER.

A receiver shall not be appointed except after hearing, preceded by at least fourteen (14) days' notice to the party sought to be subjected to receivership and to all known creditors, except that a temporary receiver may be appointed without notice upon adequate showing provided by Fed. R. Civ. P. 65(b).

LR 66-3. REVIEW OF APPOINTMENT OF TEMPORARY RECEIVER.

On being appointed, the temporary receiver shall give the notice required in LR 66-2, and at the hearing the Court shall determine whether a receiver shall be appointed and the receivership continued or terminated in the same manner as though no temporary receiver had been appointed.

LR 66-4. REPORTS OF RECEIVERS.

(a) At the hearing provided for in LR 66-3, the temporary receiver shall file with the Court a summary report of the temporary receivership.

(b) Within sixty (60) days of being appointed, a permanent receiver shall file a verified report and account of the receiver's administration, which shall be heard upon fourteen (14) days' notice to all parties and known creditors of the party subject to receivership. The report and account shall contain the following:

(1) A summary of the operations of the receiver;

(2) An inventory of the assets and their appraised value;

(3) A schedule of all the receiver's receipts and disbursements;

(4) A list of all known creditors with their addresses and the amounts of their claims; and,

(5) The receiver's recommendations for a continuation or discontinuation of the receivership and the reasons for the recommendations.

(c) At the hearing, the Court shall approve or disapprove the receiver's report and account, determine whether the receivership may continue, and fix the time for further regular reports by the receiver, if applicable.

LR 66-5. NOTICE OF HEARINGS.

Unless the Court otherwise orders, the receiver shall give all interested parties and creditors at least fourteen (14) days' notice of the time and place of hearings of:

(a) All further reports of the receiver;

(b) All petitions for approval of the payment of dividends to creditors;

(c) All petitions for confirmation of sales of real or personal property;

(d) All applications for fees of the receiver, or of any attorney, accountant, or investigator;

(e) Any application for the discharge of the receiver; and,

(f) All petitions for authority to sell property at private sale.

LR 66-6. EMPLOYMENT OF ATTORNEYS, ACCOUNTANTS, AND INVESTIGATORS.

A receiver shall not employ an attorney, accountant, or investigator without first obtaining an order of the Court authorizing such employment. The compensation of such persons shall be fixed by the Court, after hearing, upon the applicant's verified application setting forth in reasonable detail the nature of the services. The application shall state under oath that the applicant has not entered into any agreement, written or oral, express or implied, with any other person concerning the amount of compensation paid or to be paid from the assets of the estate, or any sharing thereof.

LR 66-7. PERSONS PROHIBITED FROM ACTING AS RECEIVERS.

Except as otherwise allowed by statute or ordered by the Court, no party in interest, attorney, accountant, employee or representative of a party in interest shall be appointed as a receiver or employed by the receiver.

LR 66-8. DEPOSIT OF FUNDS.

All funds received by a receiver shall be deposited in a depository designated by the Court in an account entitled “Receiver's Account,” together with the name of the action.

LR 66-9. UNDERTAKING OF RECEIVER.

A receiver shall not act as such until a sufficient undertaking in an adequate amount as determined by the Court is filed with the Clerk.

LR 66-10. ADMINISTRATION OF ESTATES.

In all other respects or as ordered by the Court, the receiver or similar officer shall administer the estate as nearly as may be in accordance with the practice in the administration of estates in Chapter 11 bankruptcy cases.

LR 67-1. DEPOSIT AND INVESTMENT OF FUNDS IN THE REGISTRY ACCOUNT; CERTIFICATE OF CASH DEPOSIT.

(a) Cash tendered to the Clerk for deposit into the Registry Account of this Court shall be accompanied by a written statement titled "Certificate of Cash Deposit," which shall be signed by counsel or party appearing in *pro se*. The certificate shall contain the following information:

(1) The amount of cash tendered for deposit;

(2) The party on whose behalf the tender is being made;

(3) The nature of the tender, e.g., interpleader funds deposit, cash bond in lieu of corporate surety in support of temporary restraining order, etc.;

(4) Whether the cash is being tendered pursuant to statute, rule, or Court order;

(5) The conditions of the deposit signed and acknowledged by the depositor;

(6) The name and address of the legal owner to whom a refund, if applicable, shall be made; and,

(7) A signature block whereon the Clerk can acknowledge receipt of the cash tendered. Said signature block shall not be set forth on a separate page, but shall appear approximately one inch (1") below the last typewritten matter on the left-hand side of the last page of the Certificate of Cash Deposit and shall read as follows:

"RECEIPT
Cash as identified herein is hereby
acknowledged as being received this date.
Dated: _____
CLERK, U.S. DISTRICT COURT

By: _____
Deputy Clerk"

(b) The Clerk may refuse cash tendered without the Certificate of Cash Deposit required by this Rule.

LR 67-2. INVESTMENT OF FUNDS ON DEPOSIT.

(a) Funds on deposit in the Registry Account of the Court pursuant to 28 U.S.C. § 2041 will be invested in an interest bearing account established by the Clerk in the absence of an order by the Court.

(b) All motions or stipulations for an order directing the Clerk to invest Registry Account funds in an account other than the Court's standard interest bearing account shall contain the following:

(1) The name of the bank or financial institution where the funds are to be invested;

(2) The type of account or instrument and the terms of investment where a timed instrument is involved; and,

(3) Language that either:

(A) Directs the Clerk to deduct from income earned on the investment a fee, not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office; or,

(B) States affirmatively the investment is being made for the benefit of the United States and, therefore, no fee shall be charged.

(c) Counsel obtaining an order under these Rules shall cause a copy of the order to be served personally upon the Clerk or the chief deputy and the financial deputy. A supervisory deputy clerk may accept service on behalf of the Clerk, chief deputy or financial deputy in their absence.

(d) The Clerk shall take all reasonable steps to deposit funds into interest bearing accounts or instruments within, but not more than, fourteen (14) days after having been served with a copy of the order for such investment.

(e) Any party who obtains an order directing investment of funds by the Clerk shall, within fourteen (14) days after service of the order on the Clerk, verify that the funds have been invested as ordered.

(f) Failure of the party or parties to personally serve the Clerk, the chief deputy and financial deputy, or in their absence a supervisory deputy clerk with a copy of the order, or failure to verify investment of the funds, shall release the Clerk from any liability for the loss earned interest on such funds.

(g) It shall be the responsibility of counsel to notice the Clerk regarding disposition of funds at maturity of a timed instrument. In the absence of such notice funds invested in a timed instrument subject to renewal will be reinvested for a like period of time at the prevailing interest rate. Funds invested in a timed instrument not subject to renewal will be re-deposited by the Clerk into the Registry Account of the Court, which is a non-interest bearing account.

(h) Service of notice by counsel as required by LCR 46-8(g) shall be made as provided in LCR 46-8(c) not later than fourteen (14) days prior to maturity of the timed instrument.

(i) Any change in terms or conditions of an investment shall be by Court order only and counsel will be required to comply with LCR 46-8(b) and (c).

LR 77-1. JUDGMENTS AND ORDERS GRANTABLE BY THE CLERK.

(a) The Clerk is authorized, without further direction by the Court, to sign and enter any order permitted to be signed by the Clerk under the Federal Rules of Civil Procedure and the following:

(1) Orders specially appointing persons to serve process;

(2) Orders withdrawing exhibits under LR 79-1;

(3) Orders on stipulations:

(A) Satisfying judgments;

(B) Noting satisfaction of orders for the payment of money;

(C) Withdrawing stipulations;

(D) Annulling bonds; or,

(E) Exonerating sureties.

(b) The Clerk may also:

(1) Enter judgments on verdicts or decisions of the Court in circumstances authorized in Fed. R. Civ. P. 58;

(2) Enter default for failure to plead or otherwise defend, as provided in Fed. R. Civ. P. 55;

(3) Enter judgments by default in the circumstances authorized in Fed. R. Civ. P. 55(b)(1);

(4) Enter judgments pursuant to acceptance of an offer of judgment in the circumstances authorized in Fed. R. Civ. P. 68;

(5) When ordered by the Court in the particular case or in all cases assigned to a particular judge, enter orders under LR IA 10-2 granting permission to an attorney to practice in a particular case and orders under granting leave of Court for substitution of counsel; and,

(6) Enter any other order which, under Fed. R. Civ. P. 77(c) does not require special direction by the Court.

LR 78-2. ORAL ARGUMENT.

All motions may, in the Court's discretion, be considered and decided with or without a hearing.

LR 79-1. FILES AND EXHIBITS: CUSTODY AND WITHDRAWAL.

(a) All files and records of the Court shall remain in the custody of the Clerk, and no record or paper belonging to the files of the Court shall be taken from the custody of the Clerk without written permission of the Court, and then, only after a receipt has been signed by the person obtaining the record or paper.

(b) The Clerk shall mark and have safekeeping responsibility for all exhibits marked and identified at trial or hearing. Unless there is some special reason why the originals should be retained, the Court may order exhibits to be returned to the party who offered the same upon the filing of true copies thereof in place of the originals.

(c) Unless otherwise ordered by the Court, the Clerk shall continue to have custody of the exhibits until the judgment has become final and the time for filing a notice of appeal and motion for a new trial has passed, or appeal proceedings have terminated.

(d) Where no appeal is taken, after final judgment has been entered and the time for filing a notice of appeal and motion for a new trial has passed, or upon the filing of a stipulation waiving the right to appeal and to a new trial, any party may upon twenty-one (21) days' prior written notice to all parties withdraw any exhibit originally produced by it unless some other party or person files prior notice with the Clerk of a claim to the exhibit. If such a notice of claim is filed, the Clerk shall not deliver the exhibit except with the written consent of both the party who produced it and the claimant, or until the Court has determined the person entitled thereto.

(e) If exhibits are not withdrawn within twenty-one (21) days after notice of the Clerk to the parties to claim the same, the Clerk shall upon order of the Court, destroy or make such other disposition of the exhibits as the Court may direct.